

REMARKS

Claims 1-17 are pending in this application. By this Amendment, claim 1 and 3 are amended and claims 6-17 are added, and claim 2 is canceled without prejudice or disclaimer to the subject matter therein. Support for the amendments to claim 1 may be found, for example, at least on page 3, first paragraph, and page 6. Support for new claims 6-8 may be found, for example, at originally filed claim 4; support for new claims 9-15 may be found, for example, at page 6, last paragraph; and support for new claims 16-17 may be found, for example, at originally filed claim 5. No new matter is added by the above amendment. In view of at least the following, reconsideration and allowance are respectfully requested.

I. Claim Rejection under 35 U.S.C. § 102

The Office Action rejects claims 1, 2 and 4 under 35 U.S.C. § 102(a) over WO 02/083446 (Nagaya). This rejection is respectfully traversed.

By this Amendment, claim 2 is cancelled. Thus, the rejection as to claim 2 is moot.

It is well settled that a claim is anticipated only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP § 2131. Despite the Office Action's assertions, Nagaya does not teach each and every feature presently recited in claim 1.

Independent claim 1 recites, in part, "an outer rotor type motor having a stator provided on an outer surface of a cylindrical member that defines space open to at least an inboard side of the vehicle, and a rotor rotatably supported by the cylindrical member, wherein the outer rotor type motor is provided within a wheel and the rotor of the outer rotor type motor is connected to the wheel; a suspension arm whose mounting portion is provided on an inner surface of the cylindrical member; and a hub that is fixed to the wheel in the vicinity of a wheel rim and is connected to the cylindrical member via a bearing that allows relative rotation between the cylindrical member and the wheel, wherein the hub has an

annular shape so as to be accommodated between the cylindrical member and the rotor, such that load inputs to the wheel, such as vertical transverse loads and back-and-forth loads, are transmitted to the cylindrical member only via the rotor and the bearing and then are received by the suspension arm" (emphasis added).

Nagaya fails to disclose load inputs to the wheel, such as vertical transverse loads and back-and-forth loads, are transmitted to the cylindrical member only via the rotor and the bearing and then are received by the suspension arm. Rather, Nagaya is directed to provide a motor with a damping function by floating support of the motor with respect to a wheel and a suspension arm. However, in contrast to the presently claimed combination of features, a device incorporating the teachings of Nagaya would enable various loads input to a wheel to be transmitted to suspension arms 6a/6b via hub portion and a knuckle 5. Thus, Nagaya fails to anticipate or render obvious the above-quoted features recited in claim 1. Accordingly, Nagaya fails to disclose each and every element recited in claim 1.

Claim 4 depends from claim 1. Because Nagaya fails to teach, disclose or suggest the features recited in independent claim 1, dependent claim 4 is patentable for at least the reasons that claim 1 is patentable, as well as for the additional features it recites.

Accordingly, withdrawal of the rejections is respectfully requested.

II. Claim Rejections under 35 U.S.C. § 103

The Office Action rejects claim 3 under 35 U.S.C. § 103(a) over Nagaya in view of U.S. Patent No. 5,289,905 (Braschler); and rejects claim 5 under 35 U.S.C. § 103(a) over Nagaya in view of U.S. Patent No. 6,113,119 (Laurent). These rejections are respectfully traversed.

It is well settled that in determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.

See MPEP § 2141.02. To this end, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *See* MPEP § 2141.02 VI.

To establish a prima facie case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation to modify the reference or to combine reference teachings; (2) there must be reasonable expectation of success; and (3) the prior art reference must render obvious all the claim limitations. *See* MPEP § 2142.

As discussed above, Nagaya fails to render the presently claimed combination of features recited in claim 1 obvious. As the Office Action merely relies on Brascher and Laurent as teaching a sealing and a break being bolted to a hub, respectively, Brascher and Laurent fail to cure the deficiencies of Nagaya. Therefore, Nagaya, Brascher, and Laurent, in any combination, do not render claim 1 obvious.

Claims 3 and 5 depend from claim 1. Because the applied references, in any combination, fail to render the subject matter of independent claim 1 obvious, dependent claims 3 and 5 are patentable for at least the reasons that claim 1 is patentable, as well as for the additional features they recite.

Accordingly, withdrawal of the rejections is respectfully requested.

III. New Claims

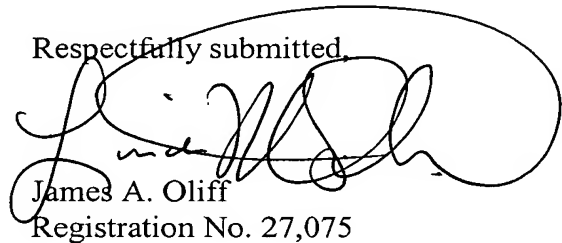
By this Amendment, claims 6-17 are added. Claims 6-17 depend from claim 1. Thus, claims 6-17 are allowable for the same reasons that claim 1 is allowable as well as for the additional features they recite.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James A. Oliff', is written over the typed name and registration number.

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